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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

APR 18 2010

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FIDENCE DEVELOPMENT, LLC

Complainant,

v.

ARIZONA-AMERICAN WATER COMPANY,

Respondent.

DOCKET NO. W-01303A-09-0097

PROCEDURAL ORDER

**BY THE COMMISSION:**

On March 2, 2009, Fidence Development, LLC ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Formal Complaint ("Complaint") against Arizona-American Water Company ("AZ-American" or "Respondent").

On March 11, 2009, counsel for AZ-American filed a Notice of Appearance.

On March 25, 2009, the parties filed a joint Notice of Stipulated Extension, stating that the parties agree to extend the time for AZ-American to file its Answer to the Complaint until April 8, 2009.

On April 8, 2009, the parties filed a second joint Notice of Stipulated Extension, stating that the parties agree to extend the time for AZ-American to file its Answer to the Complaint until April 15, 2009.

On April 17, 2009, AZ-American filed its Answer to the Complaint.

On May 2, 2009, by Procedural Order, a Procedural Conference was set for June 2, 2009.

On June 2, 2009, a Procedural Conference was held as scheduled. Staff and the parties appeared through counsel. During the conference, the parties were directed to engage in settlement discussions and to file an update regarding the status of the discussions by July 2, 2009.

On July 2, 2009, the parties docketed a joint filing requesting an additional forty-five (45)

1 days, or until August 17, 2009, to continue settlement discussions.

2 On August 17, 2009, the parties docketed a second joint filing requesting an additional sixty  
3 (60) days, or until October 16, 2009, to continue settlement discussions.

4 On October 16, 2009, the parties filed a third joint filing requesting additional time, until  
5 December 15, 2009, to continue settlement discussions.

6 On November 4, 2009, by Procedural Order, the parties were directed to make a joint filing,  
7 on or before January 30, 2010, updating the Commission on the status of the Complaint.

8 On January 28, 2010, the parties filed a Joint Status Update. In the filing, the parties request  
9 an additional 60 days to finalize a written settlement agreement.

10 On February 4, 2010, by Procedural Order, the parties were granted an extension of time, until  
11 April 1, 2010, to update the Commission on the status of the settlement negotiations or to file a  
12 finalized settlement agreement.

13 On March 25, 2010, the parties filed a Joint Status Update requesting additional time, until  
14 June 1, 2010, to finalize a written settlement agreement.

15 The request for additional time is reasonable and should be granted.

16 IT IS THEREFORE ORDERED that Complainant and AZ-American shall file by July 2,  
17 2010, a finalized written settlement agreement in this docket.

18 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
19 Communications) applies to this proceeding.

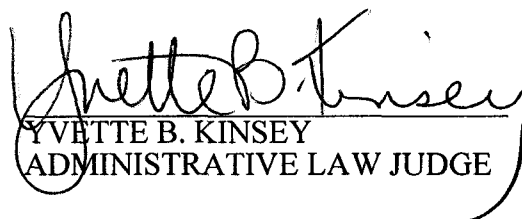
20 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
21 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
22 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to  
23 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter  
24 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by  
25 the Administrative Law Judge or the Commission.

26 ...

27 ...

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 13<sup>th</sup> day of April, 2010.

  
YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE


Copies of the foregoing mailed/delivered this 13<sup>th</sup> day of April, 2010 to:

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By   
Debra Broyles  
Secretary to Yvette B. Kinsey